

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Leon Henry Carter, III,

Civil No. 12-258 (RHK/LIB)

Plaintiff,

ORDER

vs.

Ralph Clark,

Defendant.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, no Objections having been filed with respect thereto, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Plaintiff's Application to Proceed Without Prepayment of Fees (Doc. No. 2) is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: March 26, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge